

**EIGHTY-FIFTH GENERAL ASSEMBLY  
2013 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 18, 2013

**SENATE AMENDMENT TO  
HOUSE FILE 197**

**S-3023**

1 Amend House File 197, as passed by the House, as  
2 follows:  
3 1. Page 1, line 3, by striking <Certification> and  
4 inserting <Certification Beginning January 1, 2013,  
5 certification>  
6 2. Page 1, by striking lines 9 through 12 and  
7 inserting:  
8 <(1) ~~For Beginning January 1, 2013, for a two-year~~  
9 three-year initial certification, seven hundred fifty  
10 dollars.  
11 (2) ~~For Beginning January 1, 2013, for a two-year~~  
12 three-year recertification, one thousand dollars.  
13 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
14 being deemed of immediate importance, takes effect upon  
15 enactment.  
16 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This  
17 Act applies retroactively to January 1, 2013. The  
18 department of inspections and appeals shall extend any  
19 initial certification or recertification issued to an  
20 adult day services program on or after January 1, 2013,  
21 and prior to the enactment of this Act, to reflect the  
22 three-year certification or recertification period  
23 specified under this Act.  
24 3. Title page, line 2, after <programs> by  
25 inserting <and including effective date and retroactive  
26 applicability provisions>  
27 4. By renumbering as necessary.  
COMMITTEE ON HUMAN RESOURCES  
AMANDA RAGAN, CHAIRPERSON

**S-3023** FILED MARCH 14, 2013

## Fiscal Note

*Fiscal Services Division*



**SF 341** – Propane Education and Research Council (LSB 1907SV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) ([jennifer.acton@legis.iowa.gov](mailto:jennifer.acton@legis.iowa.gov))

Fiscal Note Version – New

### **Description**

**Senate File 341** modifies provisions applicable to the Propane Education and Research Council.

### **Background**

The Iowa Propane Education and Research Council is a nonprofit organization established by the Propane Education and Research Council Act ([Chapter 182, 2007 Iowa Acts](#)). The Council and its activities are funded from an annual assessment from propane marketers in the State of Iowa at a rate of one-tenth of one cent on each gallon of odorized propane sold in Iowa. The Council is required to develop programs and projects to enhance consumer and employee safety and training, provide for research and development of clean and efficient propane utilization equipment, provide information and education to the public about safety and other issues associated with the use of propane, and develop programs and projects that provide assistance to individuals eligible for the low-income energy assistance program. Issues related to research and development, safety education, and training are to be given priority by the Council in the development of programs and projects.

The FY 2012 Iowa Propane Education Research Council Programs and Projects totaled \$284,603. Of this total, \$278,572 was expended as follows:

<b>Project</b>	<b>Amount Estimated</b>	<b>Amount Expended</b>	<b>Program End Date</b>
2012 Energy Star Safe Furnace Rebate	\$ 110,000	\$ 110,000	12/15/2012
Safety Director Project	126,000	126,000	on-going
Continuing Education and Training Materials	15,000	15,000	on-going
Fire Service Training Bureau Fire Schools	12,000	6,600	12/5/2012
Farm Bureau Co-Sponsor	1,000	1,000	9/30/2012
2012 DOT Hazmat Classes	4,000	3,493	7/18/2012
LIHEAP "Out of Gas" Brochures	600	476	12/13/2012
Coloring Book Project for the State Fire Marshal	6,160	6,160	6/30/2012
Fire Training Bureau Prop	9,425	9,425	5/31/2012
Propane Railcar Research Project	418	418	1/31/2012
	<u>\$ 284,603</u>	<u>\$ 278,572</u>	

Projects are not done on a calendar year. Some dollars not used in 2011 were used in 2012.

The one-tenth of one cent on each gallon assessment took effect January 2008. The following chart shows the amount collected by the assessment each calendar year.

Iowa Propane Education and Research Council Assessment				
2008	2009	2010	2011	2012
\$335,569	\$486,027	\$324,430	\$321,781	\$272,435

According to the U.S. Energy Information Administration, the following is information on all sales and deliveries of Iowa propane by prime supplier.

Iowa Propane All Sales/Deliveries by Prime Supplier						
(Thousands of Gallons Per Day)						
2005	2006	2007	2008	2009	2010	2011
791.2	769.2	817.0	1,108.5	1,285.9	890.0	815.6

[Senate File 341](#) permits the Council, upon majority vote, to increase or decrease the annual assessment as necessary, but the amount cannot exceed two-tenths of one cent on each gallon of odorized propane sold. The amount collected by the Council has been decreasing in recent years due to mild winters and dry summers, and therefore, lower propane sales. The following is an example comparing SF 341 to current law:

<b>Current Law</b>	1,000 gallons x .001=\$1.00
<b>SF 341</b>	1,000 gallons x .002= \$2.00

### **Fiscal Impact**

There is no impact to the State General Fund.

Based on the calendar year 2012 experience, the maximum impact to propane retailers will be an annual assessment fee increase statewide of \$272,000, for a total impact of \$544,000.

### **Sources**

Department of Public Safety  
Iowa Propane Gas Association  
U.S. Energy Information Administration

/s/ Holly M. Lyons

March 13, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



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**SF 401** – ADA-Compliant Fuel Pumps (LSB 1630SV)

Analyst: Adam Broich (Phone: (515) 281-8223) ([adam.broich@legis.iowa.gov](mailto:adam.broich@legis.iowa.gov))

Fiscal Note Version – New

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### **Description**

**Senate File 401** requires retail dealers of motor fuel that sell gasoline or diesel fuel to comply with the Federal Americans with Disabilities Act (ADA). This Bill creates additional State standards, and requires compliance inspections to be conducted by the Department of Agriculture and Land Stewardship (DALs).

The following is required of retail gas stations:

- Maintain at least one motor fuel pump that complies with ADA standards.
- Provide assistance to customers requiring help pumping fuel during normal business hours.
- Post a sign stating direct telephone numbers of individuals that may be contacted for assistance and the hours help is available.
- Post the international symbol of accessibility next to the daily price of fuel.
- If not compliant, the gas station is prohibited from dispensing motor fuel from a single pump on the site.

The following is required of the Department:

- Inspect each of Iowa's approximately 3,500 gas stations for compliance with the ADA during the course of a normal inspection.
- Issue cease and desist orders and civil penalties to gas stations not in compliance with the ADA.
- Adopt rules to enforce new ADA standards for gas stations.

### **Background**

The United States Department of Justice updated ADA accessibility standards in 2010 to include a number of establishments, including gas stations. New ADA requirements became applicable in March of 2011. In Iowa, the DALs is charged with responsibility to annually inspect all 36,900 statewide fuel pumps. In recent years, the DALs has fallen short of annual requirements, and has inspected all fuel pumps in approximately 14 months.

### **Assumptions**

Some components of implementing this Bill are unknown. It is not possible to anticipate how ADA inspections will impact inspection scheduling. However, new inspection duties will increase time at each station. In addition to inspection scheduling, investigating complaints, training, and issuing cease and desist orders will add to existing job duties. The time required to meet these new duties is unknown, but is expected to further delay inspection timing. It is assumed that the Bill will require the Department to hire two additional inspectors to maintain a 14-month inspection schedule.

To develop inspection procedures, the Department will hire outside consultation. Currently, the DALs has no experience or expertise in the ADA. It is assumed that the Department will hire

outside consultants on an ongoing basis to assist with ADA inspections. The potential for an increase in civil penalties is unknown. There is no estimate of the number of Iowa gas stations currently not in compliance with ADA standards.

The Department estimates the following costs to implement this legislation:

- An expense of \$25,000 in FY 2014 for ADA compliance consulting and training.
- An expense of \$112,000 and 2.00 FTE positions in FY 2014 and each year after to inspect gasoline pumps. These FTEs will be traditional fuel pump inspectors.
- An expense of \$60,000 in FY 2014 to purchase trucks and equipment.

### **Fiscal Impact**

This Bill will increase General Fund expenditures for the DALS by \$197,000 and 2.00 FTE positions for FY 2014 and by \$112,000 for each year after.

### **Sources**

Department of Agriculture and Land Stewardship  
LSA Analysis

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March 14, 2013

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

Fiscal Services Division



**SF 404** – English Language Learners, School Funding (LSB 2235SV)  
Analyst: Shawn Snyder (Phone: (515) 281-7799) ([shawn.snyder@legis.iowa.gov](mailto:shawn.snyder@legis.iowa.gov))  
Fiscal Note Version – New

## Description

**Senate File 404** increases the number of years limited English proficient (LEP) students are eligible to generate supplementary weighting for excess costs associated with LEP instruction. This Bill phases in the eligibility years from the current level of four years to seven years between FY 2014 and FY 2016.

## Background

Current law allows students eligible for LEP instruction to generate additional supplementary weighting through the school aid formula for a maximum of four years. Additionally, the school districts are granted modified allowable growth from the School Budget Review Committee (SBRC) for costs associated with students that remain in the program after the supplementary weighting eligibility provision has been exhausted. The LEP supplementary weighting student eligibility provision was last increased in FY 2007 (increased from three years to four years). The following table provides the LEP supplementary weighting school aid amounts and the amount of modified allowable growth granted by the SBRC since FY 2007.

**Funding Levels for Limited English Proficient (LEP) Program Students FY 2007 - Estimated FY 2014**  
(Dollars in Millions)

	School Aid Funding Levels					Modified Allowable Growth Amount Granted by the SBRC	Number of Districts
	LEP Supplementary Weighting Amount	Total Funding	State Aid Portion	Local Property Tax Portion	Number of Districts		
Est. FY 2014	3,392.0	\$ 20.4	\$ 17.8	\$ 2.6	203	N.A.	N.A.
FY 2013	3,197.0	19.3	16.8	2.5	199	N.A.	N.A.
FY 2012	3,013.1	17.8	15.5	2.3	190	\$ 10.8	104
FY 2011	2,873.9	17.0	14.8	2.2	182	11.8	82
FY 2010	3,187.1	18.5	16.1	2.4	216	11.1	78
FY 2009	3,088.4	17.2	15.0	2.2	202	12.3	84
FY 2008	2,876.3	15.4	13.4	2.0	196	10.3	70
FY 2007	3,088.7	15.9	13.9	2.1	175	6.2	68

N.A. = not available

FY 2014 estimate assumes a 0.0% allowable growth rate.

## Assumptions

Assumptions include:

- A 0.0% allowable growth rate for FY 2014 through FY 2016. Any allowable growth rates above these levels will increase the estimated costs.

- Growth in current law LEP weightings of 7.0% each fiscal year. The estimate also assumes a proportional increase in the weighting based on the number of years of eligibility. However, any students that exit the program before their eligibility period expires will reduce the estimated cost amounts provided in this estimate.
- The Legislative Services Agency (LSA) assumes that the amount of modified allowable growth requested by school districts will decrease significantly when the eligibility provision reaches seven years, but the specific amount is currently unknown. Reductions in modified allowable growth will likely lead to reductions in local property taxes.

### **Fiscal Impact**

Increasing the LEP supplementary weighting years of eligibility will increase the cost of school aid funding as follows:

- By \$5.1 million in FY 2014. This includes \$4.5 million for the State aid portion and \$2.3 million for the local property tax portion.
- By \$10.9 million compared to current law estimates for FY 2015. This includes \$9.5 million for the State aid portion and \$2.3 million for the local property tax portion.
- By \$17.6 million compared to current law estimates for FY 2016. This includes \$15.3 million for the State aid portion and \$2.3 million for the local property tax portion.

Additionally, although the specific amounts are unknown, the modified allowable growth amounts requested by school districts for costs associated with LEP instruction are estimated to decrease with enactment of the Bill.

Estimated Fiscal Impact of LEP Eligibility (Increasing from Four Years to Seven Years)						
	LEP Supplementary Weightings			School Aid Change Compared to Current Law (Dollars in Millions)		
	Current Law	Proposal	Estimated Impact	Total School Aid Funding	State Aid Portion	Local Property Tax Portion
FY 2014	3,392.0	4,240.4	848.5	\$ 5.1	\$ 4.5	\$ 0.7
FY 2015	3,629.5	5,444.3	1,814.8	10.9	9.5	1.4
FY 2016	3,883.5	6,796.0	2,912.6	17.6	15.3	2.3

### **Sources**

Iowa Department of Management, School Aid file  
Iowa Department of Education, Certified Enrollment file and SBRC Modified Allowable Growth files  
LSA analysis and calculations

/s/ Holly M. Lyons

March 13, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.